

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MICHIGAN ADVANCED SURGICAL
CENTER, PLLC (GEORGE HOPKINS),

Plaintiff,

vs.

ASMI AUTO INSURANCE COMPANY,
Defendant.

Civil Action No. 2:21-cv-12310-TGB
Hon. Terrence G. Berg

ORDER DISMISSING PLAINTIFF'S COMPLAINT

This matter having come before the Court upon stipulation of the parties and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that the claims brought by Plaintiff Michigan Advanced Surgical Center, PLLC against Defendant ASMI Auto Insurance Company are dismissed without prejudice pursuant to the Stipulation to Dismiss.

IT IS FURTHER ORDERED that in the event that Michigan Ambulatory Surgical Center, PLLC files a subsequent lawsuit against ASMI Auto Insurance Company arising out of the motor vehicle accident at issue in this matter allegedly involving George Hopkins after the resolution of *Allstate Insurance Company et. al. v. Southeast Michigan Surgical Hospital, LLC et al*, Case No. 2:22-cv-11684-SJM-EAS and *Allstate Insurance Company et. al. v. Ayman Tarabishy M.D., PLLC et al.*,

2:22-cv-12736-SFC-App (E.D. Mich. 2022), the parties will apply the one year back rule embodied in MCL 500.3145 with the effective date of filing of the subsequent Complaint as being the date the Complaint in the above-captioned matter was filed for the purposes of the “commencement” of the subsequent action.

IT IS FURTHER ORDERED that ASMI Auto Insurance Company shall be entitled to assert all applicable defenses, including any defenses that existed as of the date of the filing of the instance case, including but not limited to defenses related to the one year back rule and statutes of limitation.

IT IS SO ORDERED.

Dated: July 31, 2023

/s/Terrence G. Berg
Hon. Terrence G. Berg
United States District Judge